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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,994	09/08/2005	Akihisa Kumaki	05580/LH	8271
1933 7590 02/18/2009 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708				
EXAMINER				
TO, BAOTRAN N				
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2435				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/547,994

Applicant(s)

KUMAKI ET AL.

Examiner

Bao Tran N. To

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 09/08/2005 and 11/06/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5-6 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5-6 and 15-16 recite the limitation "the encoded usable file list" in line 4. There is insufficient antecedent basis for this limitation in the claim. There is only the usable file list recited in Claims 1 and 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-11, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adcock et al. (U.S. Patent 5,01,660) listed in PTO-1449 dated 08/25/05 hereinafter Adcock in view of Yamagata Tomonari (JP 2002-091449) listed in PTO-1449 dated 08/25/05 hereafter Yamagata.

Regarding Claims 1 and 11, Adcock discloses a signal generator (Figure 1) having a management function, comprising:

a signal creating and supplying unit which creates a test signal to be transmitted to a measurement object (Figure 1, col. 2, line 25-55); and

a management unit which manages a control of waveform data used in creating the test signal by the signal creating and supplying unit (Figure 1, Abstract), characterized in that the management unit comprises:

a waveform data memory which stores a plurality of waveform data files into which a plurality of waveform data for various tests is written (Figure 1, col. 2, line 44-55).

Adcock does not explicitly disclose a license management unit which manages a license; a usable file list taking unit which takes a usable file list for specifying a usable

waveform data file authenticated for the signal generator, the usable file list being input from an outside section; a usable file list memory which stores the usable file list taken by the usable file list taking unit.

However, Yamagata expressly discloses a usable file list taking unit which takes a usable file list for specifying a usable waveform data file authenticated for the signal generator, the usable file list being input from an outside section; a usable file list memory which stores the usable file list taken by the usable file list taking unit (Abstract and paragraph 0022).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Yamagata's teaching within Adcock to include the above features. One of ordinary skill in the art would have been to do so because it would provide for performing license management of wavelength pattern.

Adcock and Yamagata disclose the limitations of Claims 1 and 11 above. Adcock and Yamagata further disclose a utilization file specifying unit which specifies a desired waveform data file from the plurality of waveform data files stored in the waveform data memory (Adcock, col. 2, line 25- col. 5, line 44); a determining unit which determines whether or not the desired waveform data file specified by the utilization file specifying unit is included in the usable file list stored in the usable file list memory (Yamagata, paragraph 0022); and a waveform data file reading and transferring unit which reads a specified waveform data file from the waveform data memory and transfers the file to the signal creating and supplying unit when the determining unit determines that the desired waveform data file is included in the usable file list memory (Yamagata, Abstract

and paragraph 0022), and wherein the signal creating and supplying unit creates a predetermined test signal according to the waveform data read from the specified waveform data file transferred by waveform data file reading and transferring unit and transmits the predetermined test signal to the measurement object (Adcock, Abstract).

Regarding Claims 3 and 13, Adcock and Yamagata disclose the limitations of Claims 1 and 11 above. Adcock and Yamagata further disclose characterized in that the usable file list taken by the usable file list taking unit has been encoded previously with inherent information in the signal generator, and the signal generator further comprises a decoding unit which decodes an encoded usable file list by using the inherent information in the signal generator and writes a decoded usable file list in the usable file list memory (Adcock, Abstract, col. 2, line 25- col. 5, line 44 and Yamagata, Abstract and paragraph 0022).

Regarding Claims 4 and 14, Adcock and Yamagata disclose the limitations of Claims 3 and 13 above. Adcock and Yamagata further disclose characterized in that when the inherent information in the signal generator is a manufacture serial number of the signal generator, the signal generator further comprises a manufacture serial number memory which stores the manufacture serial number of the signal generator, and the decoding unit decodes the encoded usable file list by using the manufacture serial number of the signal generator read from the manufacture serial number memory

(Adcock, Abstract col. 2, line 25- col. 5, line 44 and Yamagata, Abstract and paragraphs 0022-0045).

Regarding Claims 5 and 15, Adcock and Yamagata disclose the limitations of Claims 1 and 11 above. Adcock and Yamagata further disclose characterized in that the encoded usable file list is downloaded into the signal generator from a site of a manufacture maker of signal generators with charge through a network (Adcock, Abstract and Yamagata, Figure 1, Abstract and paragraph 0022-0027).

Regarding Claims 6 and 16, Adcock and Yamagata disclose the limitations of Claims 1 and 11 above. Adcock and Yamagata further disclose characterized in that the encoded usable file list is downloaded into the signal generator through a storage medium provided by a manufacture maker of signal generators with charge (Adcock, Abstract and Yamagata, Abstract and paragraphs 0022-0023).

Regarding Claims 7 and 17, Adcock and Yamagata disclose the limitations of Claims 1 and 11 above. Adcock and Yamagata further disclose characterized in that the waveform data file stored in the waveform data memory is downloaded from a site of a manufacture maker of signal generators through a network without charge (Adcock, Abstract and Yamagata, Abstract and paragraphs 0022).

Regarding Claims 8 and 18, Adcock and Yamagata disclose the limitations of Claims 1 and 11 above. Adcock and Yamagata further disclose characterized by further comprising: a detail display unit which displays detailed information of the waveform data read from the waveform data file transferred by the waveform data file reading and transferring unit (Adcock, Abstract and Yamagata, Abstract and paragraph 0022).

Regarding Claims 9 and 19, Adcock and Yamagata disclose the limitations of Claims 1 and 11 above. Adcock and Yamagata further disclose characterized by further comprising: a list display instructing unit for instructing a list display of titles of the waveform data files stored in the waveform data memory; and a list display unit which displays a list of the titles of the waveform data files stored in the waveform data memory, in response to an instruction by the list display instructing unit (Adcock, Abstract col. 2, line 25- col. 5, line 44 and Yamagata, Abstract and paragraphs 0034-0045).

Regarding Claims 10 and 20, Adcock and Yamagata disclose the limitations of Claims 1 and 11 above. Adcock and Yamagata further disclose characterized in that at least one of a W-CDMA transmission test data package and a GSM transmission test data package is included in the waveform data files stored in the waveform data memory (Adcock, Abstract col. 2, line 25- col. 5, line 44 and Yamagata, Abstract and paragraphs 0022-0030).

6. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adcock and Yamagata as in claims 1 and 11 and further in view of Takahashi Masanori (JP 2002-268762) listed in PTO-1449 dated 08/25/05 hereafter Takahashi.

Regarding Claims 2 and 12, Adcock and Yamagata disclose the limitations of Claims 1 and 11 above. Adcock and Yamagata further disclose characterized in that the plurality of waveform data files stored in the waveform data memory (Adcock, Abstract and Yamagata, Abstract and paragraph 0022), but fails to disclose. However, a usable version is registered in the usable file list stored into the usable file list memory Takahashi expressly discloses a usable version is registered in the usable file list stored into the usable file list memory (paragraphs 0033-0034). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Takahashi's teaching within Adcock and Yamagata to include the above features. One of ordinary skill in the art would have been to do so if a license of an upper level version is held, the lower level version can be used.

Adcock and Yamagata, and Takahashi further disclose according to the usable waveform data file authenticated for the signal generator, and when the version of the specified waveform data file specified by the utilization file specifying unit is equal to or smaller than the usable version for the same waveform data file registered in the usable file list, the determining unit determines that the specified waveform data file is included in the usable file list stored in the usable file list memory (Adcock, Abstract and

Yamagata, Abstract and paragraph 0022, and Takahashi, Abstract, paragraphs 0033-0034).

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baotran N. To whose telephone number is (571)272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. N. T./
Examiner, Art Unit 2435
/Kimyen Vu/

Art Unit: 2435

Supervisory Patent Examiner, Art Unit 2435